



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 14, 1997

Ms. Kristi LaRoe
Assistant District Attorney
Tarrant County
Justice Center
401 W. Belknap
Fort Worth, Texas 76196-0201

OR97-2288

Dear Ms. LaRoe:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 109522.

The Tarrant County Sheriff's Department (the "department") received a request for "[f]light logs and other records pertaining to the Tarrant County Sheriff's Department's helicopters dating from January 1, 1996, to the present." You submitted to this office, for review purposes, the information responsive to the request. You assert that this information is excepted from disclosure pursuant to section 552.108 of the Government Code.

The Seventy-fifth Legislature amended section 552.108 of the Government Code to read as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

- (1) release of the information would interfere with the detection, investigation, or prosecution of crime;
- (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication; or
- (3) it is information that:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

(B) reflects the mental impressions or legal reasoning of an attorney representing the state.

(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from the requirements of Section 552.021 if:

(1) release of the internal record or notation would interfere with law enforcement or prosecution;

(2) the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication; or

(3) the internal record or notation:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

(B) reflects the mental impressions or legal reasoning of an attorney representing the state.

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

Gov't Code § 552.108.

You assert that release of the requested information would interfere with law enforcement or prosecution. Your letter states:

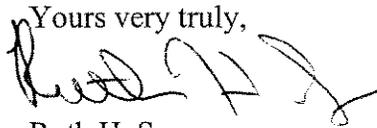
The disclosure of these internal records would unduly interfere with law enforcement and crime prevention by allowing individuals to determine the pattern, nature, and location of ongoing enforcement and prevention efforts by the Department (i.e. surveillance of individuals involved in drug trafficking). Disclosure of information that would tend to identify the Department's routine procedures and personnel in connection with [the] Department's use of its helicopters - information that is not commonly known - would reduce the value of the helicopters as a tool to detect criminal activity. Finally, the records contain technical mechanical information about the Department's helicopters that would compromise the physical safety of the equipment (and therefore the physical safety of the personnel flying the equipment) by revealing technical

information (manufacturer make and model, type of fuel and oil, scheduled inspection dates, etc.).

[Citations omitted].

We have reviewed the documents at issue. We agree that the department has met its burden of explaining the applicability of section 552.108(b)(1) to the submitted documents. Thus, the requested information may be withheld from disclosure.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 109522

Enclosures: Submitted documents

cc: Mr. Neil Strassman
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400 W. Seventh
Fort Worth, Texas 76102
(w/o enclosures)

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